

REMARKS

Claims 1-10 are pending in the application, with Claims 1, 2 and 7 being the independent claims.

Claim 1 is rejected under 35 U.S.C § 102(b) as being anticipated by Remes et al. (U.S. Pat. No. 060193).

Claims 2-6 and 10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Nakao (U.S. Pat. No. 4146682) in view of Komiyama (U.S. Pat. No. 621618).

Claims 7-9 are rejected under 35 U.S.C § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C § 103(a) as obvious over Burke (U.S. Pat. No. 358877).

Regarding the rejection of Claim 1 under 35 U.S.C § 102(b), the Examiner states that Remes et al. anticipates each and every element of the claim. Amended Claim 1 recites “when the button section is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and *elastically lifted away* from the lower casing frame in the first direction.” The present application teaches a battery pack locking device for a portable wireless terminal that carries a battery pack and has a lower casing frame and a button section (button member) (FIGs. 3 and 6). For release of the battery pack from the terminal, the button section is pushed toward the lower casing frame in a first direction perpendicular to the lower casing frame. The battery pack then is simultaneously lock-released and elastically lifted away from the lower casing frame 102 in the first direction. During the release of the battery pack 160, movements of the button section 210 and the battery pack 160 are in the *same first direction but in opposite ways*: toward and away from the lower casing frame 102, respectively.

Meanwhile, Remes et al. discloses a mobile phone battery (9) that “can be fit into place by pushing it in the horizontal direction . . . into a recess (2) formed in the casing (1)” of a mobile phone (Abstract, Claim 1, FIG. 7). The battery (2) is fit into place in the mobile phone by “a

pushing motion in the direction of the phone's bottom surface" (col. 1 lines 17-19). For release, the battery (2) is "to be removed by means of a pulling motion in the opposite direction to the pushing motion" (col. 1 lines 24-25). Remes et al. fails to disclose or fairly suggest a battery locking device that, by being pushed at a button section in a first direction perpendicular to a lower casing frame of a mobile phone and toward the lower casing frame, simultaneously lock releases a battery pack and elastically lifts the battery pack in the first direction but away from the lower casing frame as taught by Amended Claim 1 of the present application.

Clearly, Amended Claim 1 operationally and structurally differs from Remes et al.

Regarding the rejection of Claim 2 under 35 U.S.C § 103(a), the Examiner states that Nakao (U.S. Pat. No. 4146682) in view of Komiyama renders the claim obvious. Amended Claim 2 recites "when the button section is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and elastically lifted away from the lower casing frame in the first direction."

Nakao teaches a battery case holding mechanism that includes an engaging member 3 and a battery case 2 for holding batteries 4 (FIG. 4). The engaging member 3 is moved rearward to release the battery case 2, which holds the batteries 4 (col.2 lines 50-54). The engaging member 3 can move "forward and rearward in the direction perpendicular to that in which the battery case is demountably inserted" (col. 2 lines 40-44), which means that the movements of the engaging member 3 and the battery case 2 are in two perpendicular directions, a contrast to movements in the same direction for the button section 210 and the battery pack 160 of the present application. Nakao fails to disclose or fairly suggest a battery locking device that, by being pushed at a button section in a first direction perpendicular to a lower casing frame of a mobile phone and toward the lower casing frame, simultaneously lock releases a battery pack and elastically lifts the battery pack in the first direction but away from the lower casing frame as taught by Amended Claim 2.

Komiyama teaches a phone 1 that has a release button 15 and a casing 10 for mounting a

battery pack 20 (col. 2 lines 64-67, Figs. 2A). The release button 15 is pushed to lock release the battery pack 20 (col. 3 lines 27-39). Pushing the release button 115 will only lock release the battery pack (Id.). The pushing does not lift the battery pack 20 away from the casing 10 although the battery pack 20, being lock released, “tends to slip out” by gravity (Id.). The battery pack 20 must be “pulled away by hand” for removal (col. 3 lines 35-37). Komiyama fails to disclose or fairly suggest a battery locking device that, by being pushed at a button section, simultaneously lock releases a battery pack and elastically lifts the battery pack away from a lower casing frame as taught by Amended Claim 2 of the present application.

Amended Claim 2, therefore, structurally differs from Nakao, Komiyama, or the combination thereof.

Regarding the rejection of Claim 7 under 35 U.S.C § 102(b), or in the alternative, under 35 U.S.C § 103(a), the Examiner states that Burke anticipates each and every element of the claim, or alternatively, renders the claim obvious. Amended Claim 7 recites “when the button section is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and elastically lifted away from the lower casing frame in the first direction.” Burke teaches a vehicle belt buckle. Burke fails to disclose or fairly suggest a battery locking device that, by being pushed at a button section in a first direction perpendicular to a lower casing frame of a mobile phone and toward the lower casing frame, simultaneously lock releases a battery pack and elastically lifts the battery pack in the first direction but away from the lower casing frame as taught by Amended Claim 7 of the present application.

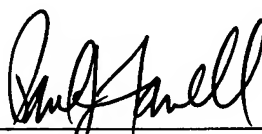
Clearly, Amended Claim 7 patentably differs from Burke.

Appl No.: 10/629,297
Art Unit: 1745

Docket No. 678-1050 (P10325)
Customer No. 66547

In view of the preceding remarks, it is respectfully submitted that all pending claims herein, namely Claims 1-5, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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STATEMENT UNDER 37 CFR 3.73(b) **Atty. Docket No. 678-1050**

Applicant/Patent Owner: SONG, Hyon-Myong et al.

Application No./Patent No.: 10/629,297 Filed/Issue Date: July 29, 2003

Entitled:

Samsung Electronics Co., Ltd., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014361, Frame 0602, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Paul J. Farrell
Signature
Paul J. Farrell, Registration No. 33,494

July 3, 2007

Date
(516) 228-3565

Printed or Typed Name
Attorney for Samsung Electronics Co., Ltd.

Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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